

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE I. GOMEZ,

Plaintiff,

v.

KINGS COUNTY SHERIFF  
DEPARTMENT, et al.,

Defendants.

No. 1:21-cv-01170-NONE-BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS

(Doc. No. 10)

Plaintiff Jesse I. Gomez is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

On October 18, 2021, the assigned magistrate judge issued findings and recommendations recommending this action proceed on plaintiff's first amended complaint, filed on September 8, 2021, against defendants Fausnett and Verhoeven for excessive force in violation of the Fourth Amendment and deliberate indifference to serious medical needs in violation of the Fourteenth Amendment. The magistrate judge also recommended dismissal of all other claims and defendants, without prejudice, based on plaintiff's failure to state claims upon which relief may be granted. (Doc. No. 10.) Those findings and recommendations were served on the plaintiff and contained notice that objections thereto were to be filed within fourteen (14) days. (*Id.*) Plaintiff filed objections on November 8, 2021. (Doc. 12.)

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this  
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,  
3 including plaintiff's objections, the courts finds the findings and recommendations to be  
4 supported by the record and proper analysis.

5 In his objections, plaintiff requests that this action proceed on the first amended  
6 complaint, filed on September 8, 2021, against defendants Fausnett and Verhoeven for excessive  
7 force in violation of the Fourth Amendment and deliberate indifference to serious medical needs  
8 in violation of the Fourteenth Amendment. (Doc. 12.) Plaintiff also requests that the court not  
9 dismiss his case. (*Id.*) Plaintiff's objections are consistent with the magistrate judge's  
10 recommendations and do not provide any basis to reject the magistrate judge's findings.

11 Accordingly,

- 12 1. The findings and recommendations issued on October 18, 2021 (Doc. No. 10) are  
13 adopted in full;
- 14 2. This action shall proceed on plaintiff's first amended complaint, filed on September 8,  
15 2021, against defendants Fausnett and Verhoeven for excessive force in violation of  
16 the Fourth Amendment and deliberate indifference to serious medical needs in  
17 violation of the Fourteenth Amendment;
- 18 3. All other claims and defendants are dismissed from this action, without prejudice,  
19 based on plaintiff's failure to state claims upon which relief may be granted;
- 20 4. This action is referred back to the assigned magistrate judge for further proceedings  
21 consistent with this order.

22  
23 IT IS SO ORDERED.

24 Dated: **December 9, 2021**

25   
26 UNITED STATES DISTRICT JUDGE